

**MINUTES  
CITY OF ST. CHARLES, IL  
PLANNING AND DEVELOPMENT COMMITTEE  
MONDAY, DECEMBER 10, 2018 7:00 P.M.**

**Members Present:** Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek Bessner

**Members Absent:** Lewis

**Others Present:** Mayor Rogina; Mark Koenen, City Administrator; Rita Tungare, Director of Community & Economic Development; Russell Colby, Community Development Division Manager; Ellen Johnson, City Planner; Rachel Hitzemann, City Planner; Monica Hawk, Development Engineer, Mark LaChappell, Building & Code Enforcement Division Supervisor; Bob Vann; Building & Code Enforcement Division Manager; Fire Chief Schelstreet, Asst. Fire Chief Christensen, Chris Minick; Director of Finance, Peter Suhr; Director of Public Works, John McGuirk; City Attorney, Charles Amenta; City Clerk

**1. CALL TO ORDER**

The meeting was convened by Chairman Bessner at 7:00 P.M.

**2. ROLL CALLED**

Roll was called:

Present: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner

Absent: Lewis

**3. OMNIBUS VOTE-None.**

**4. COMMUNITY & ECONOMIC DEVELOPMENT**

- a. Recommendation to approve a Parking Deck Easement and Operating Agreement between the City of St. Charles and First Street Development II, LLC and Sterling Bank regarding First Street Building #3.

Mr. Colby said this agreement addresses operations and maintenance between Building #3 and the adjacent city parking deck, which provides access into the lower level of the building; both properties are dependent on each other for access and certain utility services and connections. The terms are the same as the existing agreement in place for Building #1 (ALE), the draft has been prepared by the city and is being reviewed by the owners of Building #3, which includes both First Street Development II, LLC and Sterling Bank. There were not any major changes but we are waiting for their comments back and are looking for a motion to approve this draft to the agreement, and once it returns for final Council approval, staff will note any revisions at that time.

**Aldr. Lemke made a motion to approve a Parking Deck Easement and Operating Agreement between the City of St. Charles and First Street Development II, LLC and Sterling Bank regarding First Street Building #3, pending legal review. Seconded by Aldr. Turner. Approved unanimously by voice vote. Motion carried 8-0.**

- b. Presentation of a Proposal for First Street Redevelopment Lot 8 and Consideration of a Memorandum of Understanding designating Frontier Development, LLC as developer of Lot 8.

Mr. Colby said this past summer an RFP was issued for the development of the remaining lots in the First Street Redevelopment project. Frontier Development has submitted a proposal for Lot #8 which includes architectural and site plans for a two-story commercial building and a list of suggested business terms, which include conveyance of the property and a waiver or reimbursement of permit and zoning fees for the project. Staff has provided an estimate of those fees at approximately \$5,000 for zoning approvals, \$15,000 shell building permit and \$30,000 for the build-out permits for the commercial spaces, which would include the utility connection fees. Tonight staff is seeking direction from committee on the proposal and a draft of a memorandum of understanding, which would designate Frontier as the developer of Lot 8 for a 120-day period, during which time they would apply for zoning and PUD approvals from the city. The goal would be to present plans and a development agreement for final approval during this 120-day period so that construction could commence in late spring or early summer 2019.

Conrad Hurst and Curt Hurst, Frontier Development-4N316 Route 31, St. Charles-Mr. Hurst shared a brief background on the family owned local business. He then went over the plans for the proposed 11,000 sq. ft., two-story building. The inspiration was to keep with the local St. Charles architecture, but to also bring it forward a little bit as well, by adding some of the steel and glass elements. The goal would be to attract a first-class restaurant for the 1<sup>st</sup> floor, and a single first-class office user for the 2<sup>nd</sup> floor. As part of the design for the first floor on the south side and southwest corner is garage doors that would open up to create a four season room to enjoy the outdoors during the summer, as well as useable square footage in the winter. We'd also like to encourage the use of a rooftop; a glass parapet would provide the opportunity for the rooftop to really be used as part of the experience of a first-class restaurant use. We look forward to the partnership with the city and what we anticipate is the conveyance of lot 8, as well as a waiver or reimbursement of the permit and zoning fees. He did clarify that when a tenant comes in they would be responsible for their own build-out fees, and hopes that's something that could be discussed. We anticipate that we would work in the first 120 days to negotiate a redevelopment agreement, and during that period work on the zoning permit as well to get a start in late spring/early summer 2019 for construction, as well as a tenant using the space at the later part of the year, or very early the following year. We met with Historic Pres. Commission and overall it was met with positive comments, with the exception of a few changes; the dome element they felt was a little plain, so were working to square it up a bit or use some different elements with more glass in it. They'd also like to see the southwest corner chamfered a bit so it's not quite so hard for the pedestrian traffic on Illinois and Rt. 31; which we are willing to work on that.

Chairman Bessner clarified that they were asking for the zoning and the shell fees be waived, but not the build out. Mr. Hurst said correct, mostly because we don't typically do the interior finish, we certainly can and have done, but from our perspective we wait and see what the tenant wants to do, because they may have their own contractor.

Aldr. Stellato said it's a creative use of the property and he's glad to see something happening and he wished them luck.

Aldr. Payleitner agreed with Aldr. Stellato, but asked about the garage door openings because she thought the Kane County Health Dept. didn't allow those, she thought there had to be screens. Mr. Hurst said the way to accomplish that is to make it more of a four season room on the inside, however you divide that space between the balance of the square footage could make it more of a patio; more of an interior patio, with the kitchen protected. Aldr. Payleitner said she thinks it's a great idea.

Aldr. Lemke said he agrees with the Historic Commission on chamfering the corner, and asked if there is a joint parking arrangement with Doc Morgan's. Mr. Hurst said we've had a discussion but nothing has been finalized there, but with the design of this building we focused on the fact that core of the 5-story parking garage has an elevator and stairwell that makes it a very accessible parking. For pedestrian traffic we put our closest foot forward with that southeast corner of the building having the tower that would be used for the office users, which is very convenient for them, and the restaurant front entrance being on Illinois St. as opposed to Rt. 31, makes it very accessible from a parking use standpoint. Aldr. Lemke asked how a potential rooftop restaurant would get their product up there. Mr. Hurst said a dumbwaiter system in the kitchen, but it depends on the needs/wants of the end user. Aldr. Lemke said he thinks it's a good use for the site and he's glad they've taken an interest in it.

Aldr. Turner said he really likes the building, but asked if forgetting the fees would affect the TIF. Mr. Minick said no, those permit fees would go into the general operating fund.

**Aldr. Gaugel made a motion to approve a Memorandum of Understanding designating Frontier Development, LLC as a developer for First Street Redevelopment Lot 8. Seconded by Aldr. Vitek.**

**Roll was called:**

**Ayes:** Lemke, Turner, Bancroft, Gaugel, Vitek, Stellato, Silkaitis, Payleitner

**Absent:** Lewis

**Recused:**

**Nays:**

**Motion carried 8-0**

- c. Plan Commission recommendation to approve a Special Use (Amendment to Special Use) for Extreme Clean Express Car Wash, 1625 W. Main St.

Ms. Johnson said Dan Gunsteen is under contract to purchase this property and is requesting a Special Use to establish a new car wash; proposed is demolition of the existing structure and then construction of an automatic carwash on the east side of the lot with a single service bay on the south end of the building. The existing driveway onto Main St. will be converted to a right in/right out access with the creation of a new driveway onto 17<sup>th</sup> St. which will be full access; other existing driveways to the site off 17<sup>th</sup> St. will be closed and a sidewalk will be installed along 17<sup>th</sup> St. Internally on the site there will be 3 drive-thru stacking lanes running south parallel to the building, terminating at the pay station and then funneling into a single lane into the carwash bay. There are vacuum stalls along the side of the building and parking stalls near the front. Plan Commission held a public hearing on 11/13/2018 which was continued for the traffic study to be reviewed, and on 12/4/2018 Plan Commission recommended approval upon resolution of staff comments.

Aldr. Turner said him and Aldr. Bancroft were subject to many phone calls and emails because someone sent out a flyer against this carwash, and a lot of those residents were upset that the person who sent those out didn't identify themselves. He came out with 22 people for it and 9 against it. He also took issue with the idea that it didn't make any money or it wasn't busy and the older residents who have been there for a very long time said the problem was that the previous owner was no longer able to take care of it; otherwise it would have continued to be used and make money, and he is for this.

Aldr. Bancroft said he had 3-1 in favor of the carwash on the use; it was unanimous that people didn't like getting that flyer from someone who didn't identify themselves.

Aldr. Silkaitis said it was a carwash before and he has no problem with the new carwash.

Aldr. Payleitner asked about the staff comments due to the lighting. Mr. Johnson said yes and we have since received a revised lighting plan today that responds to the comments, there's one outstanding comment on foundation plantings, which can be resolved.

Aldr. Lemke said considering some of the negative we've heard he's surprised how well the issues were explained and its current configuration is a carwash and this plan seems favorable, however he is concerned about in the icy weather whether the stacking to the west should be move farther south to allow more space to dry off, towel off or drip off before vehicle enter Rt. 64. Daniel Gunsteen-1039 Elmwood Lane-Bartlett-stated that the inside of the tunnel is warmed to 120 degrees as the cars are leaving to evaporate any of the water left on the cars, in addition to the 5% of water that's left on it there's a trench drain at the exit door so any water coming off will end up in that drain to not carry out to Rt. 64; an additional mitigation they've put in is their exit is heated to not have any ice buildup there to evaporate the water and moisture from the tires. Aldr. Lemke said well thought out, thank you. Mr. Gunsteen said this will be his 7<sup>th</sup> location, he's an owner/operator, not an investor, it's not a chain, and he's out there every day with the employees. We employ 15-17 people at each location and we prefer to hire within the community and we will have 7 full-time positions at any given time, and there is always a manager or assistant manager on staff.

Chairman Bessner asked where the other locations are. Mr. Gunsteen said Moline, Chicago Ridge, Love Park, Rockford, Elgin and East Dundee.

**Aldr. Turner made a motion to approve a Special Use (Amendment to Special Use) Extreme Clean Express Car Wash, 1625 W. Main St. Seconded by Aldr. Bancroft.**

**Roll was called:**

**Ayes:** Lemke, Turner, Bancroft, Gaugel, Vitek, Stellato, Silkaitis, Payleitner

**Absent:** Lewis

**Recused:**

**Nays:**

**Motion carried 8-0**

d. Presentation of Draft Revisions to Kane County Stormwater Ordinance.

Ms. Hawk introduced herself as Development Engineer for the City and showed a PowerPoint presentation that covered the background for the Kane County Stormwater Ordinance, the 2017 revision process, the proposed ordinance recommendations, staff questions for the county and the schedule for the implementation of the revisions. She stated that at the end of her presentation staff would be looking for the committee's feedback, as well as any comments or questions she can answer. She noted the following:

- 1982-the City adopted a Stormwater Ordinance.
- 1997-Kane County established a Stormwater Management Planning Committee-which is comprised of equal representation of both county and municipal representatives.
- 2002-a countywide Stormwater Ordinance became effective and the city adopted that ordinance with proposed amendments. Those amendments provide additional requirements or for more restrictive standards that we may want to implement above and beyond the minimum standards that the county requires. Since 2002 there have only been minor changes made. The ordinance has not had a substantial review since 2002.
- 2017- Kane County initiated a revision process, last month the first draft was released; they are asking for review and feedback. She then noted some of the highlights of the process:
  - Creation of the Kane County Technical Advisory Committee (TAC)-the city is a voting member on the TAC and has been an active participant in this process. TAC is comprised of: county staff, municipalities, a developer, agricultural, consulting engineers, environmental groups and Forest Preserve. The consultant that was hired by the county to oversee the process was asked to reach out to other stakeholder groups, including: local developer, roadway agencies, park dist. and watershed groups.
  - Comparisons to neighboring counties which included: DuPage, Cook, Lake, McHenry and Will.

**TAC Recommendations include:**

- Changing the detention trigger to an impervious area trigger, rather than the current trigger that is based on land use and the size of the parcel. This change is a more technically sound approach to determining if a project requires a stormwater detention basin. Impervious area doesn't care what type of property it's on; if you have impervious area it creates stormwater runoff, which is the reason for the proposed change.
- Credit for removal of existing impervious area. The TAC recognized that redevelopment projects already have a certain amount of impervious area on them, and the new development trend is to provide more green space, as opposed to past development.
- Best Management Practices (BMPs); permeable pavers, rain garden, retention basin, oil/grease separator and infiltration trench. The current ordinance requires BMPs for larger developments, the proposed ordinance is looking to require BMPs be required at a smaller threshold; midsize and small projects will also require the installation of BMPs, which will help with water quality treatment and runoff falling and reduction.

Category I BMPs (small developments)

- When a known drainage issue in vicinity of project
- 5,000 – 25,000 square feet of new impervious cumulative

- Greater than 50% total impervious on site less than 1 acre

Category II BMPs (large developments)

- Greater than 25,000 square feet of new impervious cumulative
- Performance Standards and Monitoring
  - 3-year initial with financial guarantee
  - Annual reporting thereafter

Downstream Discharge

- Current Standard-Not clear how far downstream to analyze impacts
- Proposed Standard:
  - Consistent with Illinois Drainage Law – “reasonable use”
  - May require Off-Site Drainage Improvements
  - Notification to adjacent property owners and jurisdictions for review and feedback
  - Accommodate sediment/debris control from upstream agricultural farms.

Re-Building in the Floodway

- Current Standard – Not Allowed
- Proposed Standard – Allowed
  - Consistent with IDNR standards
  - Elevate building and house utilities to make it safe from flooding
  - Elevated house-livable parts elevated up

Substantial Improvements-when the cost equals 50% or more of the value of the house, that house then needs to be elevated above the flood plain. FEMA has determined when someone puts that amount of money into a house, that money should be used to make it reasonably safe from flooding. That threshold right now is 50% which includes improvements, maintenance and repairs; it is cumulative.

Proposed changes will allow maintenance type of project (re-roofing, re-siding, etc.) and only count those over a 10-year period, as opposed to counting them forever; it's lessening the standard and allowing more flexibility for homeowners to maintain their properties.

Wetland & Water Body Buffers

- Current Standard –Buffer width 15-50 ft.
- Proposed Standard –Buffer width 15-100 ft. for a high quality wetland (change consistent with the Army Corps of Engineers, as well as surrounding counties)

The following are questions staff had while reviewing the draft ordinance:

- Timeline for City to adopt Revisions?
- Implications of Ordinance Revisions on current projects?
- Proposed Exempt Developments.

Ms. Hawk then shared the anticipated schedule:

- December 17 – Comments/Feedback due to County
- February 20 – Release of Final Draft Ordinance

- March 21 – Public Hearing
- April 9 – KCSMPC recommendation to County Board
- May 14 – County Board Adoption of Revisions
- June 1 – Exempt Development List due from City

Aldr. Turner asked about credits to a developer who puts in pervious pavement; would they be able to reduce the size of the detention pond if one is required. Ms. Hawk said there's a few different applications of how that would apply, but in the draft ordinance most of the credit would be for determining if a project requires stormwater detention or not, so they're actually providing a 50% credit. When looking at impervious area it's the net change, there's then a 50% credit being given to impervious area that was there before that's being removed. The credit is for determining if detention is required detention or not. Aldr. Turner said so if there's a fairly big credit they could have a smaller pond which then means they can develop more of their land, besides just using it for detention. Ms. Hawk said the full ordinance hasn't been drafted, there will still be a next stage as far as the actual application and how the credit would work. Her understanding is that once the project requires detention they would still have to go through the standard calculations for how you size a detention basin. Aldr. Turner said and then get a credit for impervious surfaces from there; he wonders how this will affect a future development. Ms. Hawk said she thinks the credit mostly will fall for determining if a project needs detention, once it needs detention, the more pervious area you have usually means you need less detention, because there's less runoff from the property, but the credit will be used "if" a project requires a pond; once it does require a pond, you still need to run through the typical methods of how big of a pond is needed.

Aldr. Lemke asked if there would be any provision from making a smaller detention or moving detention accordingly, or once it's done its locked in stone; is there any indication here that more detention would be required, or that it would be possible to reduce or move detention if the development were less intense. Ms. Hawk said small projects would not trigger the need for detention. Aldr. Lemke asked about a 30-acre redevelopment where they move the detention pond for better traffic circulation; would there be an indication that that's impermissible; or if it were less intense that they could possibly reduce the detention pond. Ms. Hawk said if a project has a detention pond on it right now it most likely was built under the 1982 ordinance that the city had, which had lower standards than the current county standards; so the detention ponds were smaller than what they typically would be if constructed today. The countywide ordinance and the revision does recognize that there are projects out there that have detention ponds and that these projects are getting redeveloped, so the county will be providing guidance as to how a redevelopment project that already has a detention pond is supposed to go through to determine the size pond they need. Aldr. Lemke said to move the pond doesn't create a compliance issue. Ms. Hawk agreed.

Aldr. Stellato said he remembers when the 1997 Ordinance was put in place and he was very involved; it was put in place because in 1996 there was a huge flood throughout Kane County, so he understands what drove that at that time, however he asked what is driving this update. We just saw a development tonight that's a 5,000 sq. ft. infill property, how do we possibly accommodate something like this, even the BMPS, there's no room to put that. He said if you're in the middle of a cornfield developing something new, that should be a different set of standards; but a downtown infill becomes difficult, and we need to have a reason to tell developers why we're requiring this. Some of these are very positive for development, building within the floodway makes it look more attractive, but he'd like to know what's driving the revision, what we tell developers and how this will impact

developments on the table right now. He noted that it would even impact the carwash approved tonight. Ms. Hawk said Kane County identified that there hasn't been a review of the ordinance since 2002, since then federal and state regulations have changed, ordinance requirements were outdated. Also, some sections that needed additional clarification, and had resulted in the ordinance not being implemented consistently across the county through the different municipalities; she thinks the county recognized this and that's the major reason for driving this project. Kane County has said this is not a "start from scratch" ordinance; they're keeping the backbone of the ordinance, this is just an update project. Aldr. Stellato said he thought the goal for the downtown was if you're near the river, don't hold the water, get it off your development as soon as possible, get it down to the river. He just doesn't know how detention would be handled for the development approved tonight for First Street, the lot basically has a 0 lot line. He said he'd like staff to look at the infill downtown pieces to see how those fit within this proposal.

Aldr. Turner said he thinks it would be very unfair to backdate this to current or upcoming projects (carwash or Prairie Centre, etc.) that have already been approved; it's only fair that those projects be exempt; it's not their fault, they didn't know there was this change coming; lets grandfather those in.

**5. ADDITIONAL BUSINESS-None.**

**6. EXECUTIVE SESSION-Property Acquisition – 5 ILCS 120/2(c)(5)**

**Aldr. Lemke made a motion to enter Executive Session to discuss Property Acquisition-5 ILCS 120/2(c)(5) at 7:55pm. Seconded by Aldr. Gaugel.**

**Roll was called:**

**Ayes: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek**

**Absent: Lewis**

**Recused:**

**Nays:**

**Motion carried 8-0**

**Aldr. Bancroft made a motion to come out of Exec. Session at 8:42pm. Seconded by Aldr. Vitek. Approved unanimously by voice vote. Motion carried 8-0**

**7. ADDITIONAL ITEMS FROM MAYOR, COUNCIL, STAFF OR CITIZENS-None.**

**8. ADJOURNMENT- Motion was made and seconded to adjourn at 8:45pm. Approved unanimously by voice vote. Motion Carried 8-0.**